REMARKS

Claims 15, 17-19 and 21-23 are pending. Claim 20 is withdrawn as directed to a non-elected species. Claim 15 has been amended to specify that the treatment of tumors is performed via oral zeolite administration. Claim 23 has been cancelled. Claim 24 is new. Accordingly, upon entry of the Preliminary Amendment, claims 15, 17-22 and 24 will be pending and claims 15, 17-19, 21, 22 and 24 will be under examination.

35 U.S.C. §112, First Paragraph

The Examiner rejected claims 15, 17-19 and 21-23 under 35 U.S.C. §112, first paragraph, as allegedly not enabled for treating tumors using zeolites having mean particle sizes other than 250 nm (0.25μm). Claim 23 has been cancelled, rendering the rejection thereof moot.

In response to the rejection of the remaining claims, applicant respectfully traverses. Claims 15, 17-19, 21 and 22, as amended, provide a method of treating a tumor in a patient comprising *orally* administering to the patient a pharmaceutical composition comprising a zeolite having an average particle size of about 6 microns or less.

The Examiner again conceded enablement of a method for treating a tumor using zeolites having a mean particle diameter of 250 μm, regardless of the form of administration (i.e. intravenous or otherwise). But, the Examiner asserts that using zeolites of other sizes is not enabled.

Specifically, the Examiner states that (i) applicant's claimed method encompasses zeolite administration by injection, and (ii) the method of Pavelic et al. (submitted by applicants to demonstrate enablement of larger sized zeolites) involves oral administration of zeolites, rather than intravenous. The Examiner also asserts that injection-based therapy is enabled only for the 250 μm zeolites since (i) that size zeolite is the only one shown to work in that manner, and (ii) larger sizes would be "insoluble" as evidenced by pg. 710, col. 2, last paragraph to pg. 711, col. 1 of Pavelic.

Moreover, the Examiner cites Brown, et al. as teaching the use of 0.1μm to 5.0μm zeolites in detergents. This teaching, according to the Examiner, contradicts applicants' earlier assertion that the "adverse zeolite properties taught by the Pavelic article relate only to 'large' micro sized particles, rather than the smaller sized particles used in the invention as claimed."

Applicant notes that claims 15, 17-19, 21 and 22 as amended are directed to a treatment method employing only oral administration of zeolites. Again, the Examiner asserts that intravenously administrating zeolites having a mean partical size larger than 250 nm would fail. Applicant understands this assertion to be the basis of the Examiner's rejection.

Without conceding the correctness of the Examiner's remarks, applicant again stresses that the rejected claims as amended are directed to an oral administration-based method. These amended claims do *not* provide methods employing intravenous administration of zeolites. Thus, the Examiner's remarks regarding the nonenablement of intravenous zeolite administration - which underscore the Examiner's rejection - are moot with regard to these claims. Since the basis of the Examiner's rejection has been rendered moot, applicant maintains that the Examiner's rejection has been obviated, and that the invention as claimed is enabled.

Accordingly, applicant respectfully requests withdrawal of the rejection.

Finally, applicant notes that unlike amended claims 15, 17-19, 21 and 22, new claim 24 provides a method for treating a tumor comprising intravenously administering a zeolite composition. However, the zeolite used in this method has a mean particle size of 250 nm. The Examiner has already stated explicitly that such method is enabled. Thus, applicant maintains that new claim 24 satisfies the enablement requirement of 35 U.S.C. §112, first paragraph.

If any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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